

December 13, 1999

Mr. Bruce Hirschler
Technical Assistant, SSRCC
Office of the Executive Director
Conference of Radiation Control
Program Directors, Inc.
205 Capital Avenue
Frankfort, KY 40601

Dear Mr. Hirschler:

As requested in Ken Weaver's memorandum of October 4, 1999, we have completed the review of Part O - Licensing Requirements for Decommissioning. The draft regulation was reviewed by comparison to the equivalent regulations in 10 CFR Parts 20 and 30.

As a result of our review, we have several comments about the regulation and its corresponding rationale which are provided at Enclosure 1. If the suggested changes are made, the regulation would meet the compatibility and health and safety categories established in the Office of State Programs (OSP) Internal Procedure SA-200.

We request that when this Suggested State Regulation is published as a final regulation, a copy of the "as published" regulation be provided to us for review. As requested in OSP Procedure SA 201, Review of State Regulations (November 10, 1998), please highlight any final changes and send one copy in a computer readable format, if possible.

If you have any questions, please contact me at (301) 415-2325 or Thomas O'Brien of my staff at (301) 415-2308 or TJO@NRC.GOV.

Sincerely,

Original signed by:

Frederick C. Combs, Deputy Director
Office of State Programs

Enclosure:
As stated

cc: Ken Weaver, Chair
MOPS Subgroups, SR-1

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 Technical Assistant, SSRRCR
 Office of the Executive Director
 Conference of Radiation Control
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***See previous concurrence.**

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COMMENTS ON SUGGESTED STATE REGULATION, PART O

<u>Category</u>	<u>NRC Regulation</u>	<u>State Regulation</u>	<u>Subject and Comments</u>
H&S	30.36(e)	Part O	Part O does not require that the licensee shall maintain in effect all decommissioning financial assurances established by the license pursuant to 10 CFR 30.35. This requirement should be added to the appropriate section.
B	20.1003	O.3	The definition for “residual radioactivity” is not essentially identical to NRC’s as it does not specifically include radioactivity from all licensed and unlicensed sources used by the licensee and does not exclude background radiation. The SSR definition should be clarified to ensure compatibility.
C	20.1402	O.9a	Section O.9a refers to an applicable TEDE limit of 100 mrem per year in Part D of the SSRs. The TEDE limit, as stated in the NRC equivalent 10 CFR 20.1402, is 25 mrem per year inclusive of that from groundwater sources of drinking water. Section O.9a should be revised to indicate that a TEDE limit of 25 mrem per year, inclusive of that from groundwater sources of drinking water, applies.
C	20.1403(a)	O.10a	Section O.10a refers to an applicable TEDE limit of 100 mrem per year in Part D of the SSRs. The TEDE limit, as stated in the NRC equivalent 10 CFR 20.1402, is 25 mrem per year inclusive of that from groundwater sources of drinking water. Section O.10a should be revised to indicate that a TEDE limit of 25 mrem per year, inclusive of that from groundwater sources of drinking water, applies.
C	20.1403(d)	O.10d	The first sentence of Section O.10d does not clearly state what Part(s) of the SSRs the licensee must decommission in accordance with. This clarification should be added.
C	1404(a)	O.11	Sections O.11.a and O.11 a.i reference a dose limit of 100 mrem/yr. The NRC equivalent is 25 mrem/yr. The text should be changed to reflect the 25 mrem/yr dose limit.
C	1404(a)(4)	O.11a.iv	The first sentence of Section O.11 a.iv does not clearly state what Part(s) of the SSRs the licensee must decommission in accordance with. This clarification should be added.
N/A	N/A	O.14	This section delineates another TEDE dose limit that conflicts with Sections O.9, 10, and 11. The TEDE dose limit in Part O.14 should be deleted or revised accordingly.
N/A	N/A	RATIONALE	As previously identified in our letter of April 30, 1998 commenting on the draft Part O, the definitions of “decommissioning plan” and “final radiation survey” are not in 10 CFR 20.1003 as stated. Also, the definition of “principal activity” is from 10 CFR 30.4, not from 10 CFR 20.1003.

<u>Category</u>	<u>NRC Regulation</u>	<u>State Regulation</u>	<u>Subject and Comments</u>
N/A	N/A	RATIONALE	Change "Sec. O.2 - Definitions" to read as "Sec. O.3 - Definitions." Also, under this section, it is stated that the definitions for "restricted area" and "unrestricted area" are added to Section O.2 when, in fact, they are not.
N/A	N/A	RATIONALE	It is suggested that this statement be deleted as the definitions are not in Section O.2 and should not be per the recommendation in our April 30, 1998 letter.
N/A	N/A	RATIONALE	The second sentence of Sec. O.11 indicates that Agreement States may not wish to include these provisions. This sentence should be deleted as Sec. O.11 has been assigned a compatibility category of "C."
N/A	N/A	RATIONALE	The rationale for O.9, O.10, and O.11 should note that it only mirrors the corresponding regulations if Part D is corrected.
N/A	N/A	RATIONALE	In attachment A, items 2 and 4 should be reviewed and revised to reference the correct section of the SSR